

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. Also living in the household was the petitioner's adult partner. However, because he was not related to either the petitioner or to her children, his presence and income

was not considered in determining the children's eligibility for RUFA.

3. On March 17, 2009 the petitioner gave birth to her and her partner's child. Under the Department's "deeming" rules, the baby and the father must now be included in the same RUFA household as the other children (see *infra*). The petitioner's partner receives Social Security Disability benefits (SSDI) of \$794 a month (and Medicaid "buy in" coverage of \$100 for his monthly Medicare premium). SSDI, unlike SSI, is counted in full as unearned income and does not allow its recipient to be considered separate from a RUFA household. (The petitioner herself, due to her status as an SSI recipient, could remain separate from the RUFA household.)

4. The family lives in subsidized housing, and their income also includes a check of \$30 a month as a "utility subsidy".

5. On April 2, 2009 the Department notified the petitioner that effective April 15, 2009 her children's RUFA benefits would terminate as a result of the increase in household size and income. The maximum RUFA payment for a household of 5 persons is \$816. The Department has

determined, and there does not appear to be any dispute, that the countable income to the household is \$824 a month.

ORDER

The Department's decision is affirmed.

REASONS

As noted above, there is no dispute that the Department as of March 2008 correctly determined both the sources and amounts of the petitioner's household income. Under RUFA rules, the earned and unearned income of all household members, except those who receive SSI, is considered in determining financial eligibility. Unfortunately, the regulations are clear that households must include all step-parents and step-siblings who live together, and all the income of any single member of a RUFA household (including, in this case, the unearned income of a step-parent) must be deemed available to the entire household. W.A.M. § 2240.1.¹

Inasmuch as the Department's decision in this matter was in accord with the pertinent regulations, the Board is bound

¹ The validity of this regulation was affirmed by the U.S. Supreme Court in Bowen v. Gilliard, 483 U.S. 587 (1987).

to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No.
1000.4D.

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